

## Message Text

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ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00  
FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06 L-03  
PA-01 USIA-06 PRS-01 SP-02 /049 W  
-----300309Z 026985 /73  
R 300220Z DEC 76  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 4470

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E.O. 11652: N/A  
TAGS: EWWT, JA  
SUBJECT: SHIPPING DISCRIMINATION: COMPULSORY PILOTAGE SCHEME  
FOR TOKYO BAY

REF: STATE 302370

1. SUMMARY: GOJ HAS AGREED, INFORMALLY, TO ACCORD U.S. VESSELS ENTERING TOKYO BAY "NATIONAL TREATMENT" AFFORDED JAPANESE VESSELS. HOWEVER, NEW PILOTAGE SCHEME ALSO BRINGS INTO EFFECT DOMESTIC JAPANESE LAW LISTING PROFESSIONAL QUALIFICATIONS PERSON MUST HAVE TO QUALIFY AS PILOT. ALTHOUGH VESSELS WHOSE MASTERS ARE "CAPABLE AS A PILOT" ARE, BY THIS SAME LAW, EXEMPTED FROM TAKING A PILOT ON BOARD, STRINGENCY OF QUALIFICATIONS DICTATES THAT FOREIGN VESSELS WILL HAVE TO TAKE JAPANESE PILOTS ABOARD. END SUMMARY.

2. EMBOFF HELD DISCUSSION WITH BOTH MOFA AND MOT OFFICIALS ON DECEMBER 28 CONCERNING SUBJECT COMPULSORY PILOTAGE SCHEME. BOTH MINISTERIES STATED INFORMALLY THEIR VIEW THAT THE SECTION OF ARTICLE 13 OF LAW 149 WHICH DISCRIMINATES ON THE BASIS OF NATIONALITY IS INCONSISTENT WITH ARTICLES XIX (3) AND AND XXII (1) OF OUR BILATERAL TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION. EMBOFF RECEIVED INFORMAL  
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ASSURANCE THAT U.S. MASTERS, PROVIDED THEY OTHERWISE QUALIFY, WOULD BE ACCORDED "NATIONAL TREATMENT" GUARANTEED BY TREATY.

3. "PROVIDED THEY OTHERWISE QUALIFY" IS KEY PHRASE IN THAT DESIGNATION OF TOKYO BAY AS COMPULSORY PILOTAGE AREA

RESULTS IN LAW FOR SHIP OFFICERS (LAW NO. 149 OF APRIL 16, 1951) ALSO BECOMING EFFECTIVE FOR TOKYO BAY AREA. THIS LAW SETS FORTH THE REQUIREMENTS FOR QUALIFYING AS VARIOUS TYPES OF SHIP OFFICERS, INCLUDING PILOTS, BUT ALLOWS CAPTAINS TO ALSO SERVE AS PILOTS IN DESIGNATED COMPULSORY PILOTAGE AREAS PROVIDED THEY ARE "CAPABLE AS A PILOT". TO SO QUALIFY THE PERSON MUST HAVE PROFESSIONAL EXPERIENCE IN THE AREA, A "MARINE TECHNICAL LICENSE" ISSUED BY THE GOJ AND MUST BE ABLE TO SPEAK JAPANESE TO COMMUNICATE WITH THE MARINE TRAFFIC CONTROL CENTER.

4. EMBASSY COMMENT. ALTHOUGH GOJ HAS INFORMALLY ADMITTED CONTRADICTION BETWEEN DISCRIMINATION BASED ON NATIONALITY AND US/JAPAN BILATERAL TREATY AND AGREED TO ACCORD "NATIONAL TREATMENT" TO AMERICAN VESSELS, INTRODUCTION OF MANDATORY PILOT QUALIFICATION MEANS, IN EFFECT, THAT ALMOST ALL FOREIGN VESSELS WILL STILL BE REQUIRED TO TAKE JAPANESE PILOTS ON BOARD. GOJ OFFICIALS KNEW OF NO U.S. SHIPPING COMPANY VESSELS WHOSE CAPTAINS WOULD QUALIFY FOR PILOT EXEMPTION. SINCE PILOT QUALIFICATIONS ARE, HOWEVER, BASED ON PROFESSIONAL EXPERIENCE, NUMBER OF PASSAGES IN AND OUT OF AREA, AND JAPANESE LANGUAGE CAPABILITY--ALL STANDARDS CLEARLY WITHIN THE PEROGATIVE OF THE GOJ TO SET--WE SEE NO RIGHTFUL PEG ON WHICH TO HANG FURTHER PROTEST. EMBASSY HAS INFORMED LOCAL SEALAND OFFICE OF OUR DISCUSSIONS.

5. FYI. DURING CONVERSATION AT MOFA, OFFICIALS MENTIONED THAT ACCORDING TO GOJ INTERPRETATION PROTOCOL 5 OF TREATY EXEMPTS "NOTARY PUBLICS AND PILOTS" FROM LIMITED OFFICIAL USE

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RECIPROCAL NATIONAL TREATMENT ASPECTS OF TREATY. END FYI. HODGSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, MARINE TRANSPORTATION, POLICIES  
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**Draft Date:** 30 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** ellisoob  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Reference:** 77 STATE 302370  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ellisoob  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27 MAY 2004 by ShawDG>; APPROVED <27 SEP 2004 by ellisoob>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SHIPPING DISCRIMINATION: COMPULSORY PILOTAGE SCHEME FOR TOKYO BAY  
**TAGS:** EWWT, JA, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006